

Permitting & Assistance Branch Staff Report
Solid Waste Facilities Permit Revision for the Western Placer Waste Management Authority
Material Recovery Facility
SWIS No. 31-AA-0001
December 2, 2011

Background Information, Analysis, and Findings:

This report was developed in response to the Placer County Local Enforcement Agency (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed Solid Waste Facilities Permit revision for the Western Placer Waste Management Authority (WPWMA) Material Recovery Facility (MRF), SWIS No. 31-AA-0001, located in Placer County, owned and operated by Western Placer Waste Management Authority. A copy of the proposed permit is attached. This report contains the Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was originally received on August 29, 2011. Another proposed Solid Waste Facility Permit (SWFP) was received on September 21, 2011. A third SWFP was received on November 1, 2011. Action must be taken on this proposed permit no later than December 31, 2011. If no action is taken by December 31, 2011, the Department will be deemed to have concurred with the issuance of the proposed revised permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (2003 SWFP)	Proposed Permit
Permitted Operations	Transfer/Processing Facility Composting Facility	Transfer/Processing Facility Composting Facility
Permitted Area Total (in acres)	39.9 acres*	52.6 acres*
Total Permitted Area of Composting (in acres)	12.7 acres; *5.6 acres shared with Western Regional Sanitary Landfill (Module 9)	25.4 acres; *18.3 acres located within the permitted Western Regional Sanitary Landfill (Module 9)
12. Legal Description	The legal description of this facility may be found on page 6 of the Transfer/Processing Report, dated April 15, 2003. In addition, scaled diagrams of the existing and proposed facility may be found in the Transfer/Processing Report, Figures 2 and 3.	The legal description of this facility may be found on page 2 of the Transfer/Processing Report, dated March 2008, with amendments dated August 11, 2011. In addition, scaled diagrams of the existing and proposed facility may be found in the Transfer/Processing Report, Figures 2 and 5.13.
13. Findings	e. An EIR was filed with the State Clearinghouse (SCH #2002062042) and certified by the Western Placer Waste Management Authority on May, 8, 2003. A Notice of Determination was filed with the State Clearinghouse on May 9, 2003. f. The permitted area of the MRF includes 5.6 acres located within the landfill boundary adjacent to the	e. An EIR was filed with the State Clearinghouse (SCH #2002062042) and certified by the Western Placer Waste Management Authority on May 8, 2003. The EIR describes and supports the design and operation that will be authorized by the issuance of this permit. A Notice of Determination was filed with the State Clearinghouse on May 9, 2003.

	MRF's southern parcel boundary.	<p>e. A Mitigated Negative Declaration for the expanded compost facility was adopted by the WPWMA on March 10, 2011. A Notice of Determination was filed with the State Clearinghouse (#2011012076) on March 17, 2011.</p> <p>f. The permitted area of the MRF includes 18.3 acres located within the landfill boundary adjacent to the MRF's southern parcel boundary.</p>
15.Documents	<p>Transfer/Processing Report April, 15, 2003. No Amendments</p> <p>APCD Permit to Operate #WPMR-01-01 December 9, 1994</p> <p>EIR SCH #2002062042 May 8, 2003 NOD Filed – May 9, 2003</p>	<p>Transfer/Processing Report March 2011 with Amendments August 11, 2011</p> <p>APCD Permit to Operate #WPMR-01-01 October 21, 2002</p> <p>EIR SCH #2002062042 May 8, 2003 NOD Filed – May 9, 2003</p> <p>Mitigated Negative Declaration #2011012076 March 10, 2011 NOD Filed March 17, 2011 Addendum to the MND October 10, 2011</p>

Findings:

Staff recommends concurrence with the issuance of the proposed revised SWFP. All of the submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings are summarized in the table below. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Permitting and Assistance Branch.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated August 24, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on April 16, 2008, and provided a copy to the Department on April 29, 2008.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21685(b)(3) Solid Waste Facilities Permit	CalRecycle received the proposed SWFP on August 29, 2011, September 21, 2011, and November 1, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal letter, dated on August 24, 2011, provided a finding that the facility is consistent with PRC 50001 and CalRecycle staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Non Disposal Facility Element and within the Countywide Integrated Waste Management Plan, as described in the memorandum dated October 24, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Waste Evaluation and Enforcement Branch (WEEB) staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on November 2, 2011. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package dated August 24, 2011, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, Comments	A Public Informational Meeting was held by the LEA on August 9, 2011. No oral or written comments were received by the LEA or Department staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project, a proposed revised Solid Waste Facilities Permit. Permits staff has determined that the CEQA record can be used to support the Branch Chief's' action on the proposed revised permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The composting facility was inspected by WEEB staff in the Inspections and Enforcement Agency Compliance Unit and the LEA on November 2, 2011. No Violations or Areas of Concern were noted.

The composting facility's compliance history based on the LEA's monthly inspection reports during the last five years contains no violations or areas of concern.

The transfer/processing facility, included in the SWFP, has had areas of concern in Inspection Reports for: vector, bird and animal control (Inspection Report, dated September 27, 2010); personnel health and safety (Inspection Report, dated March 18, 2009); dust control and housekeeping (Inspection Report, dated June 26, 2008); and transfer/process reporting

requirements (Inspection Reports, dated May 30, 2007 and June 18, 2007). Follow-up Inspection Reports did not indicate that these areas of concern persisted.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed revised SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the WPWMA, acting as lead agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The WPWMA is proposing to expand the size of their existing composting operations in order to improve the operational efficiency of the existing compost activities and to accommodate anticipated growth in green waste materials accepted at the facility over the next 25 years. The project expansion area includes acreage currently regulated by the Western Regional Sanitary Landfill (WRLF), SWFP No. 31-AA-0210.

The MND, State Clearinghouse No. 2011012076, prepared for this project and circulated for a thirty day comment period on January 28, 2011, to February 28, 2011. The MND described the expansion of the acreage of the compost facility/MRF to include the compost pad, the materials screening and stockpiling area, and the compost leachate collection and storage pond. The MND did not describe or analyze the proposed additional 4.2 acres that surround the 8.5-acre 'project footprint' all of which are located on Module 9 of the WRLF. The MND was adopted by the WPWMA on March 10, 2011, and a NOD was filed with the County Clerk on March 17, 2011.

The County of Placer Department of Health and Human Services – Environmental Health Services has provided a finding that the proposed revised SWFP is consistent with, and supported by, the cited MND and the Environmental Impact Report (EIR), certified May 8, 2003, that expanded the MRF and established the composting operations within the MRF boundary.

The draft SWFP included a 4.2-acre area around the MND's project area that was not addressed by the MND. The lead agency prepared an Addendum (attached) for use by the LEA to address this minor technical change that is consistent with the MND's environmental analysis. The MND, together with the Addendum was adopted by the LEA on October 10, 2011 as documented by the LEA in a letter dated November 30, 2011.

Staff recommends that the Department, acting as a responsible agency under CEQA, utilize the environmental document as prepared by the WPWMA in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of lead agency for its consideration of the proposed SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the WPWMA. Department staff recommends the MND as amended together with the CEQA findings, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the MND adopted by the lead

agency, and the Addendum prepared by the County of Placer Department of Health and Human Services for the CalRecycle concurrence and the LEA's adoption and approval of the project. Other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP are included in the administrative record. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Local Issues:

The project document availability, hearings, and associated meetings were extensively noticed consistent with the SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 213.01). Census information indicates that the surrounding population is approximately 88.5% white, 0.8% black or African American, 1.3% American Indian & Alaska Native, 1.2% Asian, 0.1% Native Hawaiian & other Pacific Islander, and 4.3% "some other race" and 3.7% "two or more races". Approximately 10.8% of the total population described themselves as Hispanic or Latino. 3.2% of the families in the Census Tract were below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

On Tuesday, August 9, 2011, the LEA held a public informational meeting at the WPWMA MRF in Roseville, California. No members of the public attended. The LEA did not receive any comments from the public information meeting or posted public notice. No oral or written public comments have been received by the Department or LEA staff.

Department Staff Actions:

Staff commented on the MND in a letter dated February 26, 2011 and has responded to questions from the LEA regarding the permitting process. The Department provided an opportunity for public comment during the Monthly Public Meeting on September 20, and October 18, 2011.